

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Kevin Michael Hoff,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Joseph Joyce, Warden, North Dakota)	
State Penitentiary,)	
)	Case No. 1:22-cv-151
Defendant.)	

On August 7, 2023, Plaintiff filed a motion requesting that Defendant and defense counsel be charged with perjury. (Doc. No. 54).

Plaintiff has no constitutional or other right to the criminal prosecution of another. Mitchell v. McNeil, 487 F.3d 374, 378 (6th Cir. 2007) ("There is no statutory or common law right, much less a constitutional right, to an investigation."); Koger v. Florida, 130 Fed. App'x 327, 335, 2005 WL 1027204, at *6 (11th Cir. May 3, 2005) (opining that a "plaintiff had no substantive due process right to an investigation of a constitutional claim by a sheriff's office"); cf. Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973) ("[A] private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another"); Dohaish v. Tooley, 670 F.2d 934, 935 (10th Cir. 1982); Fulson v. City of Columbus, 801 F. Supp. 1, 6 (S.D. Ohio 1992) ("Thus, courts have generally declined to recognize standing on the part of victims of crimes to bring a § 1983 action based upon lack of prosecution of others."). Plaintiff's motion (Doc. No. 54) is therefore **DENIED**.

IT IS SO ORDERED.

Dated this 16th day of August, 2023.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court.